

REMARKS

Claims 1, 3-9, 12-18, and 20-40 are pending in this application after this Amendment. In light of the amendments remarks made herein, Applicant respectfully requests reconsideration of the pending claims.

In the outstanding Official Action, the Examiner rejected claims 1, 3, 5-6, 11, 13, 16-21, and 25 under 35 U.S.C. § 102(e) as being anticipated by *Ericson et al.* (USP 6,570,104); and rejected claims 4, 7-9, 12, 14-15, and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over *Ericson et al.* in view of *De Schrijver* (WO 00/0928). Applicant respectfully traverses these rejections.

Claim Rejections – 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Ericson et al.* anticipates the present invention, citing to pen point 17 of Fig. 2 as applied to sheet surface of Fig. 1 to determine a position code. Although failing to cite to the specific teachings, the Examiner is relying on in the cited reference to teach "interpretation means for determining if the strokes comprise a command," as recited in claim 1. The Examiner supports her allegations by citing to pen point 17, col. 12, lines 37-43 and col. 1, lines 25-30. Applicant respectfully disagrees that the cited reference anticipates the present invention.

The present invention as set forth in claim 1 recites, *inter alia*, a handheld electronic device which is adapted to carry out at least one operation, comprising a registration device for registering strokes when the device is moved; interpretation means for determining if the strokes comprise a command; and processor means for carrying out an operation upon determination of said command, wherein the registration device is adapted to record the command electronically by detecting apposition code arranged on a writing surface, upon which the command is written.

The Examiner's reliance on the pen point 17 to teach the interpretation means of the present invention is improper. Applicant submits that there is no teaching or suggestion in *Ericson et al.* that is directed to the interpretation means that determines if the strokes comprise a command. Should the Examiner maintain her rejection of the claim based upon the teachings of this reference, Applicant respectfully requests the Examiner cite to specific teachings in the cited reference that teach interpretation means that determine if the strokes comprise a command in a new, non-final Official Action.

As Applicant maintains that the present invention fails to teach or suggest all of the claim elements, it is respectfully submitted that *Ericson et al.* fails to anticipate the present invention. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-9 and 11-15 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 18 and 25-26 contain elements similar to those discussed above with regard to claim 1, and thus claims 18 and 25, together with claims dependent thereon, are allowable over the art cited for the reasons set forth above with regard to claim 1.

With regard to the Examiner's rejection of claim 16, again, the Examiner fails to provide any statement in the form of citation of the cited reference to support her assertion that the element "causing the computer to detect a command," as set forth in the claim, is taught. As noted above, *Ericson et al.* fails to teach or suggest detecting a command. Based upon this deficiency of the cited reference, the outstanding rejection should be withdrawn. Should the Examiner maintain her rejection of the claim based upon the teachings of this reference, Applicant respectfully requests the Examiner cite to specific teachings in the cited reference that teach interpretation means that determine if the strokes comprise a command in a new, non-final Official Action.

With regard to the Examiner's rejection of claim 17, again, the Examiner fails to provide any statement in the form of citation of the cited reference to support her assertion that the element "writing a command symbol to perform an operation," as set forth in the claim, is taught. As noted above, *Ericson et al.* fails to teach or suggest a command. Based upon this deficiency of the cited reference, the outstanding rejection should be withdrawn. Should the Examiner maintain her rejection of the claim based upon the teachings of this reference, Applicant respectfully requests the Examiner cite to specific teachings in the cited reference that teach interpretation means that determine if the strokes comprise a command in a new, non-final Official Action.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 4, 7-9, 12, 14-15, and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over *Ericson et al.* in view of *De Schrijver*. Applicant respectfully submits that *Ericson et al.* and the present invention were commonly owned at the time the present invention was made. Further, *Ericson et al.* only qualifies as prior art under 35 U.S.C. § 102(e). Under the provisions set forth under 35 U.S.C. § 103(c), it is respectfully submitted that *Ericson et al.* does not qualify as prior art for the purposes of this rejection. As such, it is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

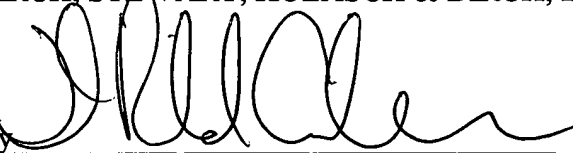
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicant respectfully petitions for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$120.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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